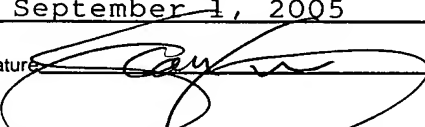




Doc Code: AP.PRE.REQ

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>September 1, 2005</u></p> <p>Signature <u></u></p> <p>Typed or printed name <u>Scott A. Lund</u></p>		Application Number	
		10/607,892	
		Filed	
		06-27-03	
First Named Inventor		Kurt Thiessen et al.	
Art Unit		Examiner	
2853		Ly T. Tran	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>41,166</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kurt Thiessen et al.

Examiner: Ly T. Tran

Serial No.: 10/607,892

Group Art Unit: 2853

Filed: June 27, 2003

Docket No.: 100110947-1

Title: SYSTEM AND METHOD OF PRINTING WITHIN CIRCULAR AREA

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir/Madam:

Please consider the following remarks during the Pre-Appeal Brief Conference:

**Pre-Appeal Brief Request for Review**

Applicant: Kurt Thiessen et al.

Serial No.: 10/607,892

Filed: June 27, 2003

Docket No.: 100110947-1

Title: SYSTEM AND METHOD OF PRINTING WITHIN CIRCULAR AREA

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**Claim Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103**

Claims 1-3, 7-15, and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradshaw et al. U.S. Patent No. 6,264,295.

Claims 25-27, 29-38, and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. U.S. Patent No. 6,264,295 in view of Yuji JP0631906.

Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. U.S. Patent No. 6,264,295 in view of Yuji JP0631906.

Independent claim 1 is directed to a method of printing within a circular area of a media and includes "printing substantially perpendicular to the radius of the circular area of the media."

Independent claim 13 is directed to a system for printing within a circular area of a media and recites that the printhead is adapted to "print substantially perpendicular to the radius of the circular area of the media."

Independent claim 25 is directed to a method of printing on and recording to an optical data storage disk and includes "printing substantially perpendicular to the radius of the optical data storage disk."

Independent claim 36 is directed to a system for printing on and recording to an optical data storage disk and recites that the printhead is adapted to "print substantially perpendicular to the radius of the optical data storage disk."

Independent claim 48 is directed to a system for processing an optical data storage disk and recites that the printhead is adapted to "print substantially perpendicular to the radius of the optical data storage disk."

With regards to independent claims 1, 13, 25, 36, and 48, the Examiner contends that the Bradshaw reference discloses "[p]rinting substantially perpendicular to the radius of the circular area of the media (fig. 2 shows the print head prints circular line on the CD in the direction along the line 214 while the DC [*sic*] is rotating, the circular line along the direction 214 is perpendicular to the radius of the circular area of the CD)" (Final Rejection mailed 06/01/2005, at sect. 2, p. 3; sect. 4, page 5). Applicant respectfully disagrees.

As suggested by the title of the Bradshaw reference, "Radial Printing System and Methods," the Bradshaw reference discloses a printing system configured to "print radially" onto a rotating media with a head assembly that "radially dispenses ink" onto the print media

**Pre-Appeal Brief Request for Review**

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such that the print head prints "along a radial line" with respect to the rotating media (col. 4, line 58 - col. 5, line 1). As such, the head assembly 210 of the Bradshaw reference moves along a radial direction 212 and represents a mechanism for "radially printing" onto media 220 while the media 220 rotates in a circular direction 214 (col. 5, lines 46-61; Fig. 2).

Reference numeral 214 of the Bradshaw reference, therefore, illustrates the circular direction in which media 220 rotates not the direction in which the head assembly 210 prints. Radial printing of the Bradshaw reference is illustrated, for example, by printed lines 702 and 704 of Fig. 7. By printing along a radial line, the Bradshaw reference, therefore, prints parallel with a radius of the media. Accordingly, the Bradshaw reference does not teach or suggest printing perpendicular to a radius of the media as recited in each of the independent claims 1, 13, 25, 36, and 48 of the present application.

In view of the above, Applicant submits that independent claims 1, 13, 25, 36, and 48 are each patentably distinct from the Bradshaw and Yuji references and, therefore, are each in a condition for allowance and that all claims depending therefrom are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejections of claims 1-3, 7-15, and 19-24 under 35 U.S.C. 102(b) and claims 25-27, 29-38, 42-46, and 48-49 under 35 U.S.C. 103(a) be reconsidered and withdrawn and that claims 1-3, 7-15, 19-27, 31-38, 42-46, 48, and 49 be allowed.

**Pre-Appeal Brief Request for Review**

Applicant: Kurt Thiessen et al.

Serial No.: 10/607,892

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-3, 7-15, 19-27, 31-38, 42-46, and 48-49 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Request should be directed to either Robert D. Wasson at Telephone No. (360) 212-2338, Facsimile No. (360) 212-3060 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

**Hewlett-Packard Company**  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

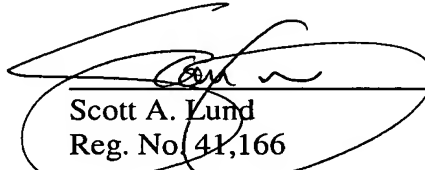
Respectfully submitted,

Kurt Thiessen et al.,

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402  
Telephone: (612) 573-2006  
Facsimile: (612) 573-2005

Date: SEPT. 1, 2005  
SAL:jan

  
\_\_\_\_\_  
Scott A. Lund  
Reg. No. 41,166

**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1<sup>ST</sup> day of September, 2005.

By   
\_\_\_\_\_  
Name: Scott A. Lund